

**REMARKS/ARGUMENTS**

This Amendment is being filed in response to the Final Office Action dated April 27, 2008. Reconsideration and allowance of the application in view of the remarks to follow are respectfully requested.

Claims 1-24 are pending in the Application. Claims 1, 7, 13 and 19 are independent claims.

In the Office Action, it is maintained that claims 1-24 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,885,871 to Caloud ("Caloud"). This rejection is respectfully traversed. It is respectfully submitted that claims 1-24 are allowable over Caloud for at least the following reasons.

It appears undisputed that in Caloud, (emphasis added) "[t]he communications gateway 128 is used to bridge the Internet network 106, to which the personal computer 101 belongs, and the Cell network 118, to which the cell phone 108 belongs (see FIG. 1)." However, the Final Office Action comes to the inexplicable conclusion that "[a]communication gateway won't be needed if the personal computer 101 and the cell phone 108 belong to the same network" yet the Final Office Action provides no support from within the four corners of Caloud for drawing this conclusion. A

close inspection of Caloud FIGs. 1 and 2 do not disclose or even suggest any such direct connection. It is respectfully submitted that one may not utilize the teachings of the present application as a road map or suggestion to modify a reference for the purposes of attempting to arrive at the presently claimed invention.

Moreover, the MPEP section 2131 provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim. Applicants submit that the Final Office Action fails to make a prima facie case of anticipation because Coloud does not satisfy MPEP section 2131 as an anticipatory reference.

While Col. 3, lines 46-51 of Caloud are cited for showing a direct connection between the personal computer and the cell phone, reliance on this section of Caloud is misplaced in that Caloud makes clear that all messages between the cell phone and the personal computer are received and forwarded by the internet gateway 128. In fact, Caloud teaches away from a direct communication between the personal computer and the cell phone such that "[t]he gateway 128 is thus in a position to filter messages

addressed to the terminal 108 and thus avoid undesirable messages."  
(See, Col. 8, lines 61-63.)

Accordingly, it is respectfully submitted that the system of claim 1 is not anticipated or made obvious by the teachings of Caloud. For example, Caloud does not disclose or suggest, a system that amongst other patentable elements, comprises (illustrative emphasis provided) "wireless network system that enables direct wireless delivery of a multimedia message from a first multimedia messaging service (MMS) user agent to a second MMS user agent, the system comprising: means for receiving, from the first MMS user agent, a request to send a multimedia message to the second MMS user agent, the request including an identification (ID) number of the second MMS user agent; means for obtaining an Internet address of the second MMS user agent based on the ID number of the second MMS user agent, if the ID number is not an Internet address of the second MMS user agent; and means for forwarding the obtained Internet address to the first MMS user agent to enable the first MMS user agent to wirelessly deliver the multimedia message directly to the second MMS user agent using the obtained Internet address" as required by claim 1, and as substantially required by each of claims 7, 13 and 19. In fact Caloud teaches terminal 101

communicating to terminal 108 via the internet gateway 128, which is hardly a direct connection.

Regarding the portions of the preamble emphasized above and the remarks in the Final Office Action regarding the patentability of preamble terms (see, Final Office Action, bottom of page 3 continuing to page 4), it is respectfully submitted that a "claim preamble has the import that the claim as a whole suggests for it." *Bell Communications Research, Inc. v. Vitalink Communications Corp.*, 5 F.3d 615, 620, 34 USPQ 2d 1816, 1820 (Fed. Cir. 1995). "Where a patentee uses the claim preamble to recite structural limitations of his or her claimed invention, the Patent Office and courts give effect to that usage." *Corning Glass Works v. Sumitomo Elec. USA, Inc.*, 868 F.2d at 1257, 9 USPQ 2d at 1966.

In this instant, the preamble of claim 1 recites "wireless network system that enables direct wireless delivery of a multimedia message from a first multimedia messaging service (MMS) user agent to a second MMS user agent" wherein the claim further recites "means for forwarding the obtained Internet address to the first MMS user agent to enable the first MMS user agent to wirelessly deliver the multimedia message directly to the second MMS user agent using the obtained Internet address." Accordingly,

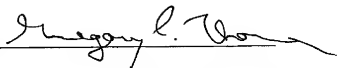
the preamble provides structure that is supported by the "means for forwarding ..."

Based on the foregoing, the Applicants respectfully submit that independent Claims 1, 7, 13 and 19 are patentable over Caloud and notice to this effect is earnestly solicited. Claims 2-6, 8-12, 14-18 and 20-24 respectively depend from one of claims 1, 7, 13 and 19 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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